1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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MAIN COMMITTEE II

SUMMARY RECORD OF THE 3rd MEETING

Held at United Nations Headquarters, New York,
on Monday, 24 April 1995, at 3 p.m.

Chairman: Mr. ERDŐS (Hungary)

CONTENTS

GENERAL DEBATE (continued)

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The meeting was called to order at 3.30 p.m.

GENERAL DEBATE (continued)

1. Mr. POSTA (Hungary) said that it was his delegation's expectation that the Committee would not only make an assessment of the implementation of the relevant provisions of the Treaty but would also be successful in formulating guidelines for the future, since application of the Treaty and nuclear cooperation would continue after the close of the Conference. The importance of IAEA safeguards as a fundamental element of the non-proliferation regime should also be strongly reaffirmed in the final document to be drafted by the Committee following its review of article III of the Treaty. The President of the Security Council had already emphasized the political importance of safeguards in his statement on 31 January 1992.

2. Since the previous Review Conference, two States parties to the Treaty had been found in non-compliance. The IAEA secretariat and the Member States had therefore taken steps to strengthen the safeguards system, notably in the context of Programme 93 + 2 recently approved by the IAEA Board of Governors. Hungary believed that IAEA should have greater access to relevant information and nuclear facilities, since the more the States parties cooperated with IAEA the more assurances the international community would have that nuclear material would not be diverted from peaceful purposes.

3. Moreover, the operation of a credible safeguards system required appropriate working conditions for inspectors and the assurance of regular financing. On the former point, Hungary had decided unilaterally to lift restrictions on the designation of IAEA inspectors and to issue them with multiple-entry visas. On the latter, it was well known that available resources could not keep pace with the growing number of nuclear facilities. Since it had become imperative to find a lasting solution to the problem of financing, his delegation hoped that the Committee's final document would urge the States parties to find such a solution.

4. Effectively functioning IAEA safeguards, while fundamental, were not the only element of the non-proliferation regime. Together with other States parties to the Treaty, Hungary attached high priority to full-scope safeguards as a precondition for any new supply of nuclear material or technology. It had therefore adopted and put in place a national export and import licensing mechanism based on the common export-control policy of the Nuclear Suppliers Group. It was convinced that such a policy served the interests of non-proliferation and it called on suppliers that had not yet done so to adopt and apply a similar policy.

5. Lastly, Hungary would like to see the content of the Committee's final document serve in the coming years as a solid basis for prosperous cooperation in the peaceful uses of nuclear energy, while ensuring full implementation of the Treaty's non-proliferation objectives.

6. Mr. NKURLU (United Republic of Tanzania), recalling the importance of the Treaty provisions that Main Committee II was responsible for reviewing, said that article III, on safeguards, remained contentious since it required only non-nuclear-weapon countries to accept IAEA safeguards. Not only was that provision discriminatory but it had enabled the nuclear-weapon States parties to the Treaty to accumulate stockpiles of fissile material which had recently been the target of thieves and smugglers. It was high time that a comprehensive safeguards system was established that was universally applicable and based on the principles of transparency and accountability. Such a system should not, however, contradict the provisions of article IV, which enunciated the inalienable right of all the Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination. In that vein, exclusive nuclear clubs which imposed unilateral export mechanisms with regard to dual-use technology should be discouraged. While his delegation agreed that IAEA safeguards should be strengthened, it felt that Programme 93 + 2 initiated by IAEA should also apply to nuclear-weapon States parties, since they had helped to arm the undeclared nuclear-weapon States.

7. Turning to articles I and II, while the majority of non-nuclear-weapon States had adhered to the undertaking not to receive the transfer of nuclear devices nor to manufacture them, almost all undeclared nuclear-weapon States, including the one that had given up its nuclear arsenal, had at one time or another been closely linked technologically with one of the threshold States.

8. Turning to article VII of the Treaty, his delegation was a strong proponent of the creation of nuclear-weapon-free zones and welcomed the conclusion of various treaties to that end. It particularly welcomed the draft treaty on the establishment of a nuclear-weapon-free zone in Africa and hoped that once the treaty came into force, the major nuclear Powers would accede to its protocols and help ensure the integrity and security of the African continent. The positive developments taking place in the Middle East should also enable that region to envisage the creation of such a zone.

9. Mr. PATOKALLIO (Finland) described the activities undertaken by the Nuclear Suppliers Group (NSG) to contribute to the non-proliferation of nuclear weapons in accordance with articles I, II and III of the Treaty and to ensure that transfers of nuclear material and technology promoted the peaceful uses of nuclear energy in accordance with article IV. In the 1970s, multilateral consultations had led to the establishment of two mechanisms for dealing with exports of nuclear material, equipment and technology: the Zangger Committee and what had come to be known as the Nuclear Suppliers Group. In 1974, the Zangger Committee had drawn up a list of items falling under paragraph 2 of article III of the Treaty and had established a number of preconditions for the supply of such items. The Nuclear Suppliers Group (NSG), created following India's explosion of a nuclear device in May 1974, had brought together all the major suppliers of nuclear technology, including those which at the time had not yet been parties to the Treaty. NSG members had agreed on a set of guidelines (IAEA document INFCIRC/254) which were implemented by each member in accordance with its national laws and practices.

10. During the 1990 Review Conference, Main Committee II had made several recommendations of relevance to NSG activities in the 1990s. Among other

things, it had recommended that States parties to the Non-Proliferation Treaty should consider further improvements in measures to prevent the diversion of nuclear technology to military purposes; that they should engage in consultations to ensure appropriate coordination of their activities to control exports of items not specifically identified in the Treaty; and that nuclear supplier States should require acceptance of IAEA full-scope safeguards for exports to non-nuclear-weapon States.

11. Shortly thereafter, it had become apparent that the export control provisions then in force had not prevented Iraq, a party to the Treaty, from pursuing a clandestine nuclear weapons programme. Following those developments, NSG members had decided in 1992 to establish guidelines for transfers of dual-use equipment, material and technology and to make a full-scope safeguards agreement with IAEA a precondition for future nuclear supplies to all non-nuclear-weapon States.

12. The record showed clearly that NSG undertakings had not impeded legitimate nuclear trade or cooperation and that NSG members were committed to transparency, as illustrated by the publication of the NSG guidelines by IAEA. NSG members shared with all parties to the Treaty the objectives of non-proliferation and peaceful nuclear cooperation, and the Group remained an essential component of the international non-proliferation regime of which the Treaty was the cornerstone.

13. Ms. ALANI (Sweden) said that IAEA safeguards were of critical importance for the implementation of the Non-Proliferation Treaty and for enhancing international security. Her delegation therefore urged all States parties that had not yet done so to sign a safeguards agreement with IAEA.

14. Sweden welcomed recent unilateral offers by some nuclear-weapon States to place under IAEA safeguards fissile material that was not required for defence purposes; it urged all nuclear-weapon States to follow suit.

15. Believing that every effort should be made to reduce the production, transfer and use of weapons-usable material, Sweden regarded the direct disposal of spent nuclear fuel as preferable to reprocessing. Given concerns at the growing amounts of plutonium available from the reprocessing of nuclear reactor fuel, it requested all States not to stockpile plutonium in excess of normal requirements for civilian nuclear programmes and called for the adoption of long-term arrangements for the secure handling of plutonium and highly enriched uranium. Lastly, Sweden noted with concern the increasing number of reports of illicit traffic in radioactive substances and nuclear material and urged all countries to take the necessary precautions to stop such trafficking and to strengthen the protection and control of such materials.

16. The disclosure of clandestine activities in Iraq had demonstrated the need to strengthen the IAEA comprehensive safeguards, in particular the methods for revealing undeclared nuclear activities and facilities. In that connection, Sweden endorsed the new measures proposed in Programme 93 + 2 and thanked the Director-General of IAEA and his staff for their efforts to make the safeguards system more effective.

17. With regard to the financing of IAEA activities, Sweden urged all States to provide the Agency with sufficient contributions and to agree on a lasting and equitable solution to the financing of the safeguards system.

18. Referring to the fact that the Treaty promoted the exchange of material, services and scientific and technological know-how relating to the peaceful uses of nuclear energy, he said that Sweden believed that preferential treatment should be given to non-nuclear-weapon States which had signed full-scope safeguards agreements with IAEA. As a supplier country, Sweden adhered to the guidelines governing nuclear exports published in IAEA documents INFCIRC/209 and 254. Moreover, it believed that the texts adopted at the 1990 Review Conference should be the basis for the discussions during the current Conference. Sweden had also prepared draft texts in conjunction with other non-nuclear-weapon States.

19. With regard to article VII of the Treaty, Sweden welcomed the conclusion of the Treaty of Tlatelolco in Latin America. Moreover, the accession of South Africa to the Treaty as a non-nuclear-weapon State had made a significant contribution towards the establishment of a nuclear-weapon-free zone in Africa. Lastly, Sweden would welcome the establishment of such zones in South-East Asia and in the Middle East.

20. Mr. de ICAZA (Mexico) said that, while he recognized the importance of the safeguards system, it had some shortcomings: too many countries had remained outside the system; and only declared nuclear activities were covered. For that reason Mexico strongly supported Programme 93 + 2 of IAEA and reaffirmed that safeguards agreements applied to all nuclear material and to all activities carried out in the territory of States parties or anywhere under their jurisdiction or control.

21. The Agency should have the means to verify that the declarations made by States were accurate, that there had been no diversion of nuclear materials and that there was no undeclared nuclear activity. The measures proposed in Programme 93 + 2 to strengthen the safeguards system should be endorsed in new legal instruments, prepared with the participation of all States, which would thus have a universal binding and non-discriminatory character.

22. The administration of safeguards absorbed a growing share of the IAEA budget (10 per cent in 1970, 34 per cent currently, excluding extrabudgetary contributions). If the implementation of Programme 93 + 2 was not to take place at the expense of technical cooperation, a financing formula would have to be found which would take account of the degree of nuclear development of the various countries, the amount of inspection work involved for the Agency and the special situation of the developing countries.

23. The Mexican Government believed that the strengthening of the safeguards system through agreements specifying the powers of IAEA and the obligations of States was an essential prerequisite for the extension of the Treaty. Decisions should also be taken on a comprehensive nuclear-test ban, the initiation of negotiations to prohibit the production of fissile material for weapons purposes, the reduction of nuclear arsenals, and the establishment of a

mandatory system of safeguards for non-nuclear-weapon States and a strengthened mechanism for the review and revision of the Treaty.

24. The task of Main Committee II was to review article VII, whereby any group of States had the right to conclude a regional treaty in order to assure the total absence of nuclear weapons in its territory; the establishment of nuclear-weapon-free zones marked an important stage towards the complete elimination of such weapons. The first instrument totally prohibiting nuclear weapons in an inhabited region was the Treaty of Tlatelolco, which had been expanded since the previous Conference with the accession of several countries. Since the ratification of Additional Protocol I by France, all countries with responsibilities in the area covered by the Treaty had now acceded to it.

25. His delegation believed that the Conference should reaffirm the importance of establishing nuclear-weapon-free zones; take note of the expansion of the Treaty of Tlatelolco; urge the nuclear Powers to ratify without reservations Protocols II and III to the Treaty of Rarotonga; welcome the imminent adoption of the treaty making Africa a nuclear-weapon-free zone; and express the hope that the negotiations for the establishment of a nuclear-weapon-free zone in the Middle East would soon commence.

26. Mr. SUKAYRI (Jordan) said that article III of the Treaty, which was under review by the Committee, was all the more important in that IAEA safeguards were the only mechanism available to the parties to ensure compliance with the provisions of the non-proliferation Treaty. The safeguards system should be reviewed regularly if it was to be strengthened. That might not, however, be sufficient to prevent the diversion of nuclear materials for military purposes as long as the objective of universal adherence to the Treaty had not been achieved. His delegation therefore called upon all States which had not yet done so to accede to the Treaty and to conclude full-scope safeguards agreements with IAEA opening up all their nuclear facilities to international inspection.

27. In a region like the Middle East, volatile as it was, peace and security could not really prevail unless all the regional Powers, in particular those with nuclear capabilities, acceded to the Treaty. All parties to the peace process must therefore take care to prevent any loopholes in that process if they wished to achieve comprehensive peace. In that connection, nuclear activities which were not placed under the safeguards system presented a serious danger of proliferation and of a nuclear arms race in the region and were thus a threat to international peace and security.

28. On the question of the establishment of nuclear-weapon-free zones, particularly in the Middle East and South-East Asia, where they were badly needed, his delegation welcomed the conclusion of the Treaties of Tlatelolco and Rarotonga, and the imminent opening for signature of a treaty establishing a nuclear-weapon-free zone in Africa. It noted, however, that the situation in the Middle East was by no means as promising. After two decades of consideration of the question by the General Assembly, little progress had been achieved. The Arms Control and Regional Security Group, working within the framework of the Madrid peace process, had hardly been more successful. Indeed, as stated in a United Nations document entitled "Study on effective and verifiable measures which would facilitate the establishment of a nuclear-

weapon-free zone in the Middle East" (A/45/435 of 10 October 1990): "Adherence to the NPT by all States of the region - and notably by Israel - would be a most significant milestone. Pending such a measure, the acceptance by Israel of safeguards on the Dimona facilities would be an important move towards the establishment of a zone and could be realized well in advance of its adherence to the NPT."

29. The Committee should pay special attention to ways and means of facilitating universal adherence to the Treaty and the conclusion by all States Members of the United Nations of full-scope safeguards agreements with IAEA; the strengthening of IAEA safeguards through adequate financing; and the establishment of denuclearized zones, particularly in volatile regions such as the Middle East.

30. Mr. CHUN (Republic of Korea) commended the safeguards system, which had promoted international cooperation in the development of the peaceful uses of nuclear energy. Full-scope guarantees had been particularly effective in verifying declared nuclear materials and facilities and compliance with non-proliferation commitments.

31. The cases of Iraq and the Democratic People's Republic of Korea, however, showed that the system was not sufficient and, in particular, that it did not resolve the problem of undeclared nuclear facilities. Despite the action taken by the Security Council, it had taken four years for IAEA to obtain full details of Iraq's undeclared activities.

32. As for the Democratic People's Republic of Korea, IAEA had had to ask for the support of the Security Council simply to carry out its statutory task of verification and, despite all the pressure, both multilateral (IAEA and the Security Council) and bilateral (on the part of the Republic of Korea and the United States), Pyongyang had yet to comply with its obligations.

33. Compliance with safeguards was a service both to the States concerned themselves, which thereby demonstrated their good will, and to their neighbours, whose confidence was strengthened. In order to discourage any violation of safeguards agreements, it was important to ensure that violators were punished and that States which honoured their obligations enjoyed preferential treatment.

34. The two cases of non-compliance revealed loopholes and inherent limitations in the ability of the existing safeguards system to meet the requirements of assurance, especially with regard to the absence of undeclared nuclear material and installations. The steps taken by IAEA to bolster the safeguards system - early provision of design information, more extensive reporting of nuclear-related imports and exports, and reaffirmation of the Agency's right to undertake special inspections - were inadequate to ensure non-proliferation. The Republic of Korea therefore welcomed Programme 93 + 2, endorsed by the IAEA Board of Governors, which would give the Agency greater powers and strengthen the safeguards system, especially with regard to the non-diversion of nuclear material and the absence of undeclared activities. A strengthened safeguards system would benefit from technological developments and called for greater access to relevant sites and information.

35. The Republic of Korea, which had welcomed environmental monitoring tests and which issued one-year multiple-entry visas to inspectors, hoped that that approach would establish itself as a minimum universal standard, leading to acceptance of an "anytime, anyplace" concept of inspections as advocated in the Programme. Recognizing the importance of State systems of accounting and control to the implementation of IAEA safeguards, the Republic of Korea had established, in April 1994, a technology centre for nuclear control, as a first step towards the introduction of a domestic safeguards system in 1996. The highest priority should be given to the strengthening of the State systems of accounting and control, so as to combat illicit trafficking in nuclear material, which constituted a serious proliferation risk. Moreover, all States should accede to the Convention on the Physical Protection of Nuclear Material.

36. While recognizing the importance of export controls and the need for full-scope safeguards as a condition of supply to non-nuclear-weapon States, as recommended by the 1990 Review Conference, the Republic of Korea took the view that the export requirements laid down by the Zangger Committee and the Nuclear Suppliers Group for items on their "trigger list" and many dual-use items should not hamper the acquisition of such items by States parties for peaceful purposes.

37. The Republic of Korea upheld the principle of universality of safeguards obligations. It called upon all States parties which had not yet signed a full-scope safeguards agreement to do so without delay. It also stressed the need to provide IAEA with sufficient resources to implement Programme 93 + 2 and carry out all the verification activities that would be required with the strengthening of the safeguards system.

38. Mr. CISAR (Czech Republic) said that although the Czech Republic had succeeded to the Treaty early in 1993, it had not joined IAEA until September 1993. It was anxious, however, to have the safeguards agreements concluded by the former Czechoslovakia with IAEA remain in force provisionally, and hoped to conclude a new agreement in 1995. Recognizing the need for export controls, it applied to its own exports the guidelines of the Zangger Committee and the Nuclear Suppliers Group, which it believed were an essential element in the non-proliferation regime. Since 1978, the former Czechoslovakia had been applying full-scope safeguards. The Czech Republic, as a producer of many nuclear components, strongly supported that principle. In line with its belief that the Treaty should be universal, it took the view that all the nuclear Powers should submit their supplies of nuclear material to full-scope safeguards, and should do their utmost to prevent nuclear material intended for civilian purposes from being diverted to military purposes.

39. The violations committed by two countries underscored the need to strengthen the safeguards system. Full-scope safeguards should give the assurance that material intended for declared activities was not diverted to other purposes, and that there were no undeclared activities. To that end, the Czech Republic hoped that Programme 93 + 2 would be fully supported.

40. In the Czech Republic, the functions of the State system of accounting and control (SSAC) were performed by the National Nuclear Safety Authority, which monitored 12 facilities and over 200 nuclear depositories. The Authority

cooperated fully with IAEA inspection teams. In 1991, it had offered its material and human resources for the training of SSAC inspectors and agents. Several field tests and one training course had been conducted in the Czech Republic.

41. Experience with regard to trafficking in nuclear material highlighted the need for every State to safeguard material that might be used for military purposes. There must be cooperation among States in order to put an end to illicit trafficking.

42. The Czech Republic was pleased with the way in which article III of the Treaty was being applied. It hoped that the Committee would take its decisions by consensus.

43. Mr. NORDIN (Malaysia) said that it was essential to strengthen the Treaty, which must be a universal, non-discriminatory instrument. Malaysia urged States that were not parties to the Treaty to accede to it, and urged States parties to negotiate and sign safeguards agreements. Malaysia itself had signed such an agreement, which facilitated the work of the inspectors in its territory. Only through such cooperation with IAEA could the international community collectively avoid the danger of nuclear proliferation. Recent events showed, however, that the safeguards system still needed to be strengthened.

44. At the same time, there was a need to study and resolve the legal and financial implications of new measures before any of them were implemented. It was of paramount importance to ensure that the new measures did not hinder the smooth flow of materials, equipment or information to non-nuclear-weapon States parties to the NPT. Most importantly, those new measures should be non-discriminatory, and language to that effect should be included in the final report of the Committee. Selective or discriminatory application would create uneasy feelings among States parties, and might worsen the climate of mistrust and undermine the integrity of the Treaty itself. All parties that had signed safeguards agreements with IAEA should be accorded the right to participate in the development and adoption of the "trigger list", within the framework of the General Conference of IAEA. It would thus have the required legitimacy as an international agreement.

45. The measures required for monitoring and verification, both existing measures and measures still under consideration, needed the political, technical and financial support of States parties. The cost of administering the safeguards system, which had grown from $12 million in 1970 to $72 million in 1995, was increasing at a much faster rate than the overall IAEA budget. The increase in the IAEA budget had been largely due to the growing number of nuclear power stations and research reactors. The cost of the monitoring and verification required under article III of the Treaty should be borne by the countries benefiting from nuclear energy and not by those that had not opted for nuclear energy.

46. Although future cost increases might also come as a result of the need to monitor nuclear materials not required for national defence and transfers of materials, and the need to implement the comprehensive nuclear-test-ban treaty and the cut-off convention banning production of fissile materials, a major

portion of IAEA responsibilities related to safeguards. His delegation hoped that a proper balance between those responsibilities could be struck in the Committee's report.

47. It had been suggested that inspectors should be stationed at frontiers to check the flow of trafficking in nuclear materials. His delegation was of the view that the question of illicit trafficking was not a question of safeguards. It was the responsibility of the respective countries to ensure and finance such monitoring. As a multilateral organization, IAEA should only be engaged in providing training or expert advice to strengthen State systems of accounting, so as to prevent pilfering of and illicit trafficking in nuclear materials. Nations that had the ability to stockpile large amounts of nuclear material should be in a position to prevent such things from happening. If they could not, they should place such material under international supervision or have it destroyed.

48. Mr. POTUYT (Netherlands) emphasized the importance of the review process. Even after the extension of the NPT, the review should continue. Transparency would create the necessary climate of confidence that would allow the further development of peaceful nuclear programmes of the States parties. The Netherlands appreciated the monitoring and control work of IAEA.

49. Referring to the examples of Iraq and the Democratic People's Republic of Korea, he stressed the need to strengthen the IAEA safeguards system, as envisaged in Programme 93 + 2. The safeguards should be universal, and all nuclear facilities, in nuclear-weapon States and non-nuclear-weapon States alike, should be subject to no-notice inspections.

50. As agreed during the fourth Review Conference, suppliers should subject all nuclear exports to full-scope IAEA safeguards. Export licensing for nuclear exports was practised by his Government.

51. Arms control agreements and export licensing regimes were complementary elements of international security policy. Those regimes were intended to prevent proliferation without limiting the transfer of nuclear technology for peaceful purposes. All States should have access to such technology in so far as that was one of the possible options for their economic development. The guidelines developed by the Zangger Committee and the Nuclear Suppliers Group were necessary in order to arrive at some degree of coordination of nuclear export regulations. They were not intended to limit exports.

52. In conclusion, he referred to the establishment of nuclear-weapon-free zones and called on the Conference to support the establishment of such zones in Africa and the Middle East, where the renunciation of weapons of mass destruction would facilitate the peace process.

53. Mr. AYATOLLAHI (Islamic Republic of Iran) said that from the early days of the Non-Proliferation Treaty's operation, developing countries had highlighted the necessity of full implementation of article IV. However, some States that were not party to the Treaty were obtaining nuclear weapons despite the existence of the Zangger Committee and the Nuclear Suppliers Group. That problem could not be resolved through vertical or horizontal limitations. In

order to ensure full compliance with the Treaty, it was necessary to look into ways to remove existing export control regimes and to create, where necessary, transparent international mechanisms with the participation of all States parties to the Treaty.

54. For example, it would be possible to establish a committee, in the context of the Treaty, which would formulate measures to ensure full access of all non-nuclear-weapon States parties to the Treaty, without discrimination, to nuclear equipment and technology for peaceful purposes and, at the same time find ways of strengthening the existing system of safeguards by formulating a set of guidelines which would replace existing unilateral arrangements. The committee would be open to all States parties to the Treaty and would meet regularly. The committee would be without prejudice to further enrichment of the discussions on strengthening the IAEA safeguards going on in Vienna.

55. In addition, the measures proposed in the "Programme 93 + 2" would help enhance confidence if they were properly integrated in or annexed to the agreements to be concluded between the Agency and States in the context of the Treaty (INFCIRC/153), if they could be applied to provide concrete results and if the conclusions of the strengthened safeguards system were used to enhance international cooperation in the field of peaceful applications of nuclear energy as stipulated in article IV.

56. Furthermore, the role of IAEA in general should be enhanced and it should be recognized once again that the Agency was the sole body responsible for verifying that States parties were complying with the Treaty. The Agency for its part must focus more on programmes which would help the developing countries secure financing for nuclear power projects to meet their energy needs. A financial assistance fund should be established for those countries, as had been proposed at previous Review Conferences.

57. Iran attached great importance to the establishment of nuclear-weapon-free zones in different regions of the world, particularly in the Middle East, and it had submitted a draft resolution on the subject to the General Assembly as far back as 1974. Unfortunately, that objective had not been realized because of Israel's stubborn refusal to accede to the Treaty; he hoped that the current Conference would be able to take the first practical steps towards the creation of such a zone.

58. Mr. SCHMIDT (Austria) pointed out that from the time it acceded to the Treaty, Austria had believed in the vital need for universality of the full-scope safeguards, deeming that they should be applied to all non-nuclear-weapon States irrespective of whether or not they were party to the Treaty, and it hoped that that principle would be an important element in the report of Main Committee II.

59. Following the discoveries made in 1991 concerning Iraq, IAEA had undertaken to develop additional concepts or notions within the context of "Programme 93 + 2", which constituted a step in the right direction. His delegation also welcomed the efforts made by the Agency to create an integrated safeguards system.

60. Several non-aligned States had spoken out in favour of the multilateralization of export controls. Austria was in favour of that principle, which was inherent in the Treaty, since control of exports would be entrusted to a multilateral organization, IAEA. The decision concerning which equipment or material was "especially designed or prepared for the processing, use or production of special fissionable material" was left to each State. The Treaty provided for multilateralization through safeguards agreements concluded with the Agency covering control of exports upon arrival in the receiving country. It stipulated, in effect, that the IAEA safeguards should be full-scope safeguards. They must therefore apply to all nuclear material, in all activities undertaken in non-nuclear-weapon States whether or not they were party to the Treaty.

61. The Treaty had therefore given the Agency important responsibilities, for the latter must also be able to detect clandestine activities. Multilateralization could be ensured by developing the integrated safeguards system launched by IAEA in its "Programme 93 + 2" and by closer cooperation of all States parties regarding the "trigger list" outlined in document INFCIRC/209. Acceptance of that document could facilitate a dialogue among States parties to the Treaty and States members of the Zangger Committee. A clearer understanding of the obligations contracted under article III would facilitate achievement of the Treaty objectives, particularly with regard to article IV.

62. Mr. TAYIB (Saudi Arabia) said that the Non-Proliferation Treaty was a cornerstone of the international nuclear non-proliferation regime and a legal instrument designed to safeguard international peace and security. Saudi Arabia attached particular importance to strengthening and to universal and effective implementation of the Treaty without exception.

63. The IAEA safeguards system had helped stem proliferation of declared nuclear material, but it left serious gaps for it had failed to prevent certain States parties, namely Iraq and North Korea, from producing nuclear material for military purposes. Those gaps in the safeguards system called into question the Treaty's credibility and its capacity to ensure international peace and security. The Conference should take the necessary steps to strengthen application of the safeguards system in accordance with the recommendations of the Security Council Summit held in 1992, which had underscored the essential role of the safeguards system in the effective application of the Treaty and the importance of export verification measures. However, the safeguards must in no way prevent States parties which were non-nuclear-weapon States from exercising their legitimate rights which were guaranteed by the Treaty, to conduct research and to produce nuclear energy for peaceful purposes.

64. The creation of nuclear-weapon-free zones was encouraged by the General Assembly which saw that as a general disarmament measure. The countries of Latin America and the Caribbean had signed the Treaty of Tlatelolco in 1967, and the States of the South Pacific had signed the Treaty of Rarotonga in 1985. In addition, South Africa had now acceded to the Treaty and submitted its installations to the IAEA safeguards system, thereby contributing to the success of efforts to conclude a treaty on nuclear non-proliferation in Africa; that treaty should soon be signed.

65. The idea of creating a nuclear-weapon-free zone in the Middle East had first been put forward in 1974, and since then the General Assembly had adopted a resolution on the subject every year. More than 20 years had elapsed and the States of the region had yet to achieve that objective, because Israel persistently refused to accede to the Treaty and to submit all its nuclear installations to the IAEA safeguards system. Saudi Arabia, for its part, had supported all international initiatives designed to prohibit the proliferation of weapons of mass destruction and it hoped that the international community would enhance efforts to turn the Middle East into a zone free from all weapons of mass destruction and would ask Israel to accede to the Treaty and to submit all its nuclear installations to the IAEA system like all the other States in the region. The fact that the Israeli nuclear programme remained outside the framework of international control constituted a threat to regional and international peace and security and jeopardized the Treaty's credibility. The Conference should subscribe to the objective of turning the Middle East into a zone free from weapons of mass destruction, in accordance with article VII of the Treaty and with the communiqué issued by the Security Council Summit in 1992.

66. The Treaty's success depended on observance of its provisions by the States parties, those that had nuclear weapons and those that did not. The Conference should ask the Security Council in the context of its responsibilities for the preservation of international peace and security, to ensure the universality of all provisions relating to the non-proliferation of nuclear weapons without any distinction, bearing in mind the provisions of Chapter VII of the Charter of the United Nations.

67. Mr. ALHIJAJ (Iraq) pointed out that, in referring to Iraq's position on the question of the implementation of the IAEA safeguards regime, some representatives had distorted the facts. If the Conference wished to draw lessons from Iraq in the area of safeguards without trying to tarnish Iraq's reputation, it must go back to the source of the problem.

68. Those who accused Iraq were forgetting that Iraq's nuclear installations, which were subject to safeguards, had been attacked in 1981 by the army of Israel, a country which was not a party to the Treaty and which had not subjected its installations to those safeguards. That attack had been an attack on the Treaty and the safeguards system, as the Agency and the Security Council had pointed out, but the parties to the Treaty had not reacted.

69. Iraq's purpose in building the Osirak reactor had been to make the complex an international centre open to inspection, but the Israeli attack on the complex had put an end to its plans. By continuing to threaten to destroy Iraqi nuclear installations, Israel was preventing Iraq from exercising its rights under article IV of the Treaty, and Iraq was therefore keeping its research and study programmes secret. Iraq had noted that neither the IAEA nor the Security Council had protected the nuclear installations at the time of the Israeli attack, and that the Security Council had merely adopted resolution 487 (1981), without taking any action when Israel failed to implement it. Raising the question of Iraq alone, without inquiring into the background, did not promote the cause of the Treaty. There were notorious cases of non-observance of the Treaty concerning, for example, the transfer of nuclear materials without prior

notification of the Agency, as in the case of South Africa under the apartheid regime. Iraq could not be taken to symbolize the deficiencies of the Treaty and the safeguards system.

70. If real lessons were to be learned, attention should focus on article IV, which would remain a hypothetical provision as long as there were States, whether parties or not to the Treaty, which threatened to use force to destroy nuclear installations subject to the safeguards system.

71. With regard to article VII of the Treaty, the question of setting up a nuclear-weapon-free zone in the Middle East was of vital importance to the States of the region, which had been asking for the creation of such a zone since 1974. The main obstacle was the existence in the region of a State, with a vast nuclear arsenal, which refused to accede to the Treaty. If Africa was now on the way to achieving the objective of creating such a zone, it was because South Africa had voluntarily renounced its nuclear weapons and decided to submit its installations to the safeguards system. Unless Israel did the same, the Middle East would remain the scene of military escalation and tensions.

72. In referring to Iraq and United Nations resolutions, some speakers seemed to forget that paragraph 14 of Security Council resolution 687 (1991) provided for the establishment in the Middle East of a zone free from weapons of mass destruction. It so happened that that was the only paragraph in the resolution which had not been implemented. While the IAEA had discharged the task assigned to it under resolution 687 (1991) in the matter of monitoring, Iraq wondered if, as the sponsors of the resolution contended, stability had been achieved and an end put to the arms race in the region. By not applying paragraph 14 of the resolution they failed to take account of the imbalance regarding weapons in the region with all the attendant consequences in terms of tension, instability, the arms race and threats to security. The establishment in the Middle East of a zone free from weapons of mass destruction, in accordance with the provisions of article VII of the Treaty and the provisions of paragraph 14 of Security Council resolution 687 (1991), adopted under Chapter VII of the Charter, would provide a political guarantee for regional peace and security and be a decisive step towards achieving the universality of the Treaty.

73. Mr. FRIEDRICH (Switzerland) said that the credibility of the non-proliferation system set up by the Treaty was based on the IAEA safeguards system, which Switzerland wholeheartedly supported. In that connection, it was a matter of continuing concern that the Democratic People's Republic of Korea was refusing to comply fully with its obligations under its IAEA safeguards agreement. It was in its own interest for the IAEA to be able to complete its international inspections without delay, so that the international community could be shown the entirely peaceful nature of the North Korean nuclear programme.

74. Iran's attempt to develop nuclear weapons secretly constituted the most serious case of non-observance of the Treaty in the past five years. Switzerland supported the measures taken by the IAEA, after the Iraq episode, to improve the capacity to detect undeclared nuclear installations, and it congratulated the Agency on the excellent evaluation work it had accomplished

under the Programme 93 + 2, which was designed to improve the effectiveness of safeguards.

75. The Swiss Federal Council had decided in 1991 to require full-scope safeguards, in the future, in the case of new exports of nuclear material or equipment to non-nuclear-weapon States, and Switzerland strongly encouraged all States that had not yet done so to practice such a policy as well.

76. The recent cases of illicit trafficking in nuclear materials must be taken seriously because of the potential danger they posed to public health and because of their possible implications for nuclear non-proliferation. All States should take suitable measures to make such trafficking impossible. International safeguards should be applied to peaceful nuclear activities, even if they took place in the territory of a nuclear-weapon State. It was encouraging to note that France and the United Kingdom had already taken such action. All the nuclear-weapon States should also be encouraged to place fissile materials deriving from nuclear disarmament under international control, and it should be noted that the United States had taken an important step in that direction.

77. The only purpose of export controls was to ensure respect for the non-proliferation obligations undertaken under articles I, II and III of the Treaty, so that international exchanges for peaceful purposes could take place, as provided in article IV. Those controls were therefore required by the Treaty, and for that reason Switzerland was participating in the work of the Zangger Committee and the Nuclear Suppliers Group.

78. Switzerland welcomed all the efforts being made to conclude regional treaties to ensure the total absence of nuclear weapons in certain regions. The prospect of the forthcoming establishment of a denuclearized zone in Africa and of the imminent entry into force of the Treaty of Tlatelolco was very encouraging, and all the States that had contributed to that achievement were to be congratulated. It was to be hoped that other continents, including Europe, would also become denuclearized zones one day.

79. Mr. ABOU HADID (Syrian Arab Republic) said that the Syrian Arab Republic, which had been one of the first countries to sign the Treaty, had never sought to acquire nuclear weapons and, on the contrary, was endeavouring to eliminate the terrible nuclear threat in the Middle East region. It had therefore called for the establishment in the Middle East, under the auspices of the United Nations, of a zone free from weapons of mass destruction, but it wondered if that would be possible when, in the heart of that region, there was a nuclear arsenal not subject to safeguards. The perpetuation of the status quo, which obliged all States in the Middle East except Israel to respect the Treaty, was a grave mistake that threatened peace and stability in the region and was therefore unacceptable.

80. The safeguards system currently applied by the IAEA was performing well. The existing violation was not due to any deficiency or inadequacy in the safeguards system, for the parties responsible were certain nuclear-weapon States which had not applied article I of the Treaty.

81. The safeguards system, according to the IAEA statute, must be applied by all States, and that was particularly true in the region of the Middle East, where the States were parties to the Treaty and had concluded safeguards agreements, with the exception of only one State, Israel, which still refused to accede to the Treaty, although it certainly had nuclear weapons. The behaviour of Israel was a threat to peace, security and stability in the region and made proliferation possible.

82. The application of safeguards must not in any way hinder economic and technological development or international cooperation in the field of nuclear activities for peaceful purposes. Any obstacle to trade between States prevented the developing countries from making progress. Restrictions should be limited to technologies that were directly connected with the production of nuclear weapons, and they should not affect dual-use materials and equipment because it was not easy for any State to convert them to military uses. The acquisition of equipment and the conduct of research for peaceful purposes and the use of research reactors and nuclear power plants should not be considered a threat to the States of the Middle East and should therefore be allowed. The double standard applied in the region was unacceptable. How could Israel be allowed to acquire nuclear technology, that it could even export, while the other States of the region could not obtain the basic equipment needed for purposes of scientific, medical and agricultural research? That was a violation of the right of the developing countries set forth in the Treaty.

83. Mr. ADEKEYE (Nigeria) said that it was essential, both for the sake of confidence among States parties and for the effectiveness of the Treaty, for all States parties to comply with their Treaty obligations. Recent events had brought to the fore the inadequacies of the existing safeguards system and he noted with satisfaction that the IAEA was addressing the problem through its Programme 93 + 2, and Nigeria supported the Agency in that endeavour. It was unfortunate, however, that the IAEA did not have the resources it needed, and it should be provided with the necessary means to enable it to discharge its new responsibilities.

84. However, the preoccupation with safeguards should not jeopardize the ability of the IAEA to perform its other crucial role regarding the transfer of nuclear technology for peaceful uses. Nigeria, like other developing States parties, attached great importance to the implementation of article IV, and felt that a balance must be maintained in the allocation of resources for effective implementation of the Agency's dual mandate.

85. In demonstration of its commitment to the objectives of the Treaty, Nigeria had concluded a full-scope safeguards agreement with IAEA and hoped that other States which had not yet done so would do likewise. He particularly urged the nuclear-weapon States to open their peaceful nuclear facilities to IAEA safeguards. Greater transparency on the part of those States would strengthen confidence in the Treaty.

86. The international community must adequately address the problem of illegal trafficking in nuclear material. As nuclear warheads were dismantled, fissile material would become readily available, and international cooperation in the physical protection of nuclear material should therefore be strengthened.

87. The establishment of nuclear-weapon-free zones was a vital element of the non-proliferation regime and an important disarmament measure; the African countries were on the verge of finalizing a treaty establishing such a zone in Africa. The effective implementation of that treaty would require, inter alia, that the nuclear Powers should respect the status of that zone and support Africa in its quest to rid the region of all weapons of mass destruction, including nuclear weapons. Similarly, Nigeria and the other members of the zone of peace and cooperation of the South Atlantic had in 1994 declared the South Atlantic to be a nuclear-weapon-free zone. The cooperation of the nuclear-weapon States would be crucial in the realization of that goal as well. He also welcomed other initiatives aimed at establishing nuclear-weapon-free zones, particularly in South-East Asia and the Middle East.

88. Mr. OSTROWSKI (Poland) recalled that his country had joined the non-proliferation system as a non-nuclear-weapon State and had placed all its facilities under IAEA safeguards. The universal application of full-scope safeguards satisfied both common sense and the international desire for security. Originally, the safeguarding of nuclear material through accountancy, containment and surveillance had been the only possible approach, and given the level of technology and financial resources available, access to fissionable materials had been sufficiently difficult. For 20 years, that scheme had fulfilled expectations, but when undeclared activities had been discovered in Iraq, it had become necessary to make improvements. It was in that context that IAEA had sought to deal with possible undeclared activities by setting up the 93 + 2 programme, which provided for regular inspections and environmental monitoring. An analysis of the model safeguards agreement showed that legal authority existed for a whole range of proposed new measures. For its part, Poland was prepared to adapt to any new legal instrument that might be needed to make the programme work and hoped that other countries would do the same. Lastly, with regard to export controls, States must understand their responsibilities under article III of the Treaty, but also under articles I and II. International export agreements also created a framework for cooperation, as mandated under article IV.

89. Mr. AYADI (Algeria) said that by becoming a party to the Treaty on 12 January 1995 his country had demonstrated its commitment to the goals of that instrument and had made a contribution to the effort to universalize the non-proliferation regime. A full-scope safeguards agreement was being prepared, and Algeria had already placed its two reactors for research and the production of radioisotopes under IAEA safeguards, thereby demonstrating its readiness to enjoy the technological benefits that could be derived from peaceful uses of the atom.

90. Through its cooperation with IAEA, which had always been based on the notion of transparency, Algeria had sought to extend the application of nuclear technology to such areas as health, agriculture, foodstuffs monitoring and the environment. Both the provisions of the Treaty and the IAEA Statute affirmed the inalienable right of non-nuclear States to use nuclear energy for peaceful purposes. The Agency's resources should be increased so that it could perform its duties in that regard.

91. The Committee must promote that constructive view of the Agency's role, but it must not try to supersede the competent bodies by taking decisions on the issues before it.

92. Mr. WHEELER (South Africa) said that South Africa had developed a nuclear deterrence programme but had subsequently decided to dismantle all its nuclear devices, a step from which the Committee could learn some important lessons. Firstly, it was possible for a State with a well developed technological infrastructure and extended fuel-cycle activities to develop nuclear-weapons capability in spite of export control regimes. Secondly, South Africa had abandoned its nuclear deterrence programme as soon as the international climate had changed. However important safeguards and export control regimes might be, it was only by adequately addressing the security concerns of States, especially in a regional context, that nuclear proliferation could be halted. South Africa therefore strongly supported the objectives of article VII of the Treaty.

93. The Treaty's largely positive aspect should be emphasized. The overwhelming majority of Member States had abided by their commitments, as IAEA had verified. However, there had been two events in recent years to which IAEA had reacted by reviewing safeguards practices. His delegation fully supported a system that would not be more onerous but would be more flexible and would provide greater assurance of the absence of undeclared nuclear activities. Exporters could then have greater confidence in the intentions and activities of technology importers. The benefits of technology transfers to States that needed them and could benefit from them would offset any increase in costs the new system might entail.

94. With regard to paragraph 2 of article III of the Treaty, the Zangger Committee should be commended for the role it had played; however, the export control regimes authorized under that provision were often contrary to the spirit of article IV. He was pleased that the concerns of the non-nuclear-weapon States parties to the Treaty had been addressed as a result of greater transparency and an increase in the number of States parties.

95. South Africa looked forward to the day when the situation foreseen in article VI was finally realized by means of an effective treaty aimed at cutting off the production of nuclear material and a comprehensive test-ban treaty, whose verification still posed technical problems. The peaceful use of weapons-grade nuclear stockpiles posed a new challenge, and the risks of re-proliferation would have to be balanced against the benefits of the peaceful use of those materials.

96. Mr. DE LA TORRE (Argentina) said that although Argentina had not become a party to the Treaty until February 1995, it had already demonstrated its commitment to the goals of that instrument through a number of decisions taken over the years. In July 1991, for example, it had concluded an agreement with Brazil that had led to the establishment of a body for the control and accountancy of nuclear material. In 1994 it had concluded a full-scope safeguards agreement with IAEA. In addition, all its nuclear facilities had been placed under the safeguards regime.

97. Argentina had also taken various steps to abide by the provisions of the Treaty concerning horizontal non-proliferation, and a stringent import control regime had been in place since 1992. Argentina was also a full member of the Nuclear Suppliers Group and had recently become a member of the Zangger Committee.

98. In the area of cooperation in the peaceful uses of nuclear energy, Argentina had recently concluded cooperation agreements with several countries, and other agreements were in preparation. Argentina had also participated actively in the IAEA technical cooperation programme.

99. Lastly, with regard to article VII, Argentina was a party to the Treaty of Tlatelolco, which it had accepted without reservations.

100. In view of the seriousness of the recent violations of the Treaty by Iraq and by the People's Democratic Republic of Korea, it was imperative that the safeguards regime should be strengthened, and his delegation supported the development of technological resources for detecting declared and undeclared nuclear activities. States parties had a duty to cooperate fully with IAEA. Argentina supported the 93 + 2 Programme and also believed that the Agency must be able at a reasonable cost, to obtain data and have access to facilities, whether or not in the context of special inspections. In that spirit, Argentina had cooperated fully with IAEA in environmental monitoring at its Pilcaniyeu facility.

101. Argentina was party to various conventions relating to nuclear security and welcomed the unilateral offer to place surplus fissionable material under IAEA safeguards. It likewise favoured a convention to halt the production of fissionable material.

102. Mr. SHOUKRY (Egypt) said that he attached particular importance to two items on the agenda. Egypt had always strongly supported an effective safeguards regime, which must be applied if confidence was to be built. All States parties must be urged to abide by that regime.

103. There was also an urgent need to establish nuclear-weapon-free zones, particularly in the Middle East. It was extremely important that Israel should participate in that regime and that all States in the region should cooperate in good faith in order to establish a nuclear-weapon-free zone. The progress made in that area in Africa was encouraging.

104. The CHAIRMAN announced that the Committee had concluded its general debate.

The meeting rose at 6.50 p.m.